

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JAMES DAVID CLARKE, JR.	§	
VS.	§	CIVIL ACTION NO. 1:22-CV-492
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION AND ORDER

Petitioner James David Clarke, Jr., an inmate currently confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

## Discussion

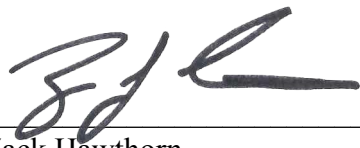
Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner filed this petition in the Beaumont Division of the Eastern District of Texas. Petitioner is confined at the Stiles Unit, which is located in the Eastern District of Texas. However, Petitioner was convicted and sentenced in Montgomery County, which is located in the Houston Division of the Southern District of Texas.

The court has considered the circumstances and has determined that the interest of justice would be served by transferring this petition to the district where Petitioner was convicted and sentenced. Therefore, the petition should be transferred to the Houston Division of the Southern District of Texas for hearing and determination. It is accordingly

**ORDERED** that this petition for writ of habeas corpus is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 21st day of November, 2022.

  
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Zack Hawthorn  
United States Magistrate Judge